

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

JARROD MCKINNEY,

Plaintiff,

v.

THOMAS J. VILSACK, in his official capacity
as Secretary of Agriculture,
et al.,

Defendants.

No. 2:21-cv-00212-RWS

STATUS REPORT

In accordance with the Court's August 30, 2021, Order, ECF No. 40, Defendants respectfully submit this status report.

1. Plaintiff in this action challenges Section 1005 of the America Rescue Plan Act of 2021 (ARPA). Because Plaintiff is a member of classes certified by the District Court for the Northern District of Texas in *Miller v. Vilsack*, 4:21-cv-595 (N.D. Tex.), that similarly challenge the same statutory provision, Defendants moved for, and the Court granted, a stay of this action pending the outcome of the *Miller* litigation. *See* ECF No. 40 (Aug. 30, 2021).
2. The *Miller* class litigation remains ongoing. However, in light of new legislation affecting the litigation (explained below), on August 22, 2022 the parties in *Miller* jointly requested, and the court granted, a stay of summary judgment briefing deadlines. By August 29, 2022, the parties in *Miller* are to submit a joint status report outlining proposed next steps in the case.
3. On August 16, 2022, the President signed into law the Inflation Reduction Act of 2022. <https://www.congress.gov/117/bills/hr5376/BILLS-117hr5376enr.pdf>. Section 22008 of that Act expressly repeals Section 1005 of ARPA and thus moots this case.

4. If Plaintiffs have not dismissed their claims by September 1, 2022, Defendants propose to file another status report proposing next steps in the case on or before September 8, 2022.

Dated: August 25, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY FARBY
Assistant Branch Director
Civil Division, Federal Programs Branch

/s/ Michael F. Knapp
MICHAEL F. KNAPP (Cal. Bar No. 314104)
KYLA M. SNOW
ALEXANDER V. SVERDLOV
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 514-2071 / Fax: (202) 616-8460
michael.f.knapp@usdoj.gov

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2022, a copy of the foregoing notice was filed electronically via the Court's ECF system, which effects service on counsel of record.

/s/ Michael F. Knapp
Michael F. Knapp
Trial Attorney